

**MINUTES OF THE
LAKE COUNTY PLANNING COMMISSION
November 25, 2008**

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Chairman Siegel called the meeting to order at 7:00 p.m.

ROLL CALL

The following members were present: Messrs. Adams, Brotzman, Klco (alt. for Troy) Morse, Schaedlich, Siegel, Smith (alt. for R. Sines), Zondag, and Mmes. Hausch and Pesec. Staff present: Messrs. Webster, Radachy, and Ms. Truesdell.

MINUTES

Ms. Hausch moved and Mr. Adams seconded the motion to approve the October 28, 2008 minutes as submitted.

Seven voted "Aye".
One abstained.

FINANCIAL REPORT

Mr. Smith moved and Mr. Schaedlich seconded the motion to approve the October, 2008 Financial Report as submitted.

Eight voted "Aye".

PUBLIC COMMENT

There was no comment from the public.

LEGAL REPORT

Ms. Patricia Nocero, Assistant Prosecutor, said there were no legal issues to report.

DIRECTOR'S REPORT

Mr. Webster said there was no Director's Report.

ANNOUNCEMENTS

There were no announcements.

SUBDIVISION REVIEW

Subdivision Activity Report

Mr. Radachy said that Ralph Victor Construction submitted a request for a pre-application meeting for Orchard Springs which will connect Orchard Road to Colburn Road in Concord Township.

The developer for Summerwood Phase 1 has finished the repair to the catch basins and is waiting for the County Engineer's letter saying they have been inspected. Maplevue Subdivision in Painesville Township off Richmond Road may be in financial difficulty and has no surety posted.

LAND USE AND ZONING REVIEW

Concord Township – Proposed Text Amendment: Addition of Residential Care Facility, Nursing Home and Home for the Aging as a Conditional Use in Gateway Business

Mr. Radachy said that the applicant wanted to add residential care facility, nursing home and home for the aging as a conditional use to the Gateway Business District (GB) in section 22.01. The applicant also referenced that they wanted to amend section 13.07 to allow residential care facility, nursing homes and homes for the aging as a conditional use in the GB, but they do not reference which standards are to follow. There are development standards for R-1, R-4, B-1 and B-2.

Mr. Brotzman and Mr. Zondag arrived at 7:07 p.m.

Staff explained that the Auburn-Crile Road Business Corridor Study 2006 recommended the creation of the Gateway Business District to capitalize on the economic development potential of Auburn Road Corridor based on the location of the Tri-point Hospital and the Auburn Career Center. The uses that are recommended and allowed under GB are oriented to professional office, retail and commercial. Residential care facility, nursing home and home for the aging as a conditional use was recommended not to be permitted.

The Concord Township Comprehensive Plan stated that the Township should target economic development by maintaining the current 8%/92% split between commercial and residential tax base by directing commercial development to areas designated by the Township. It was also noted that there is one residential care facility, nursing home and home for the aging as a conditional use in the Gateway Business District (GB). It is currently a legal non-conforming use. It was created when the land was zoned R-1. The land was rezoned from R-1 to BX (2004) and finally to GB (2007).

Staff stated the following reasons not to accept this use:

1. The proposed text does not follow the recommendations of the 2006 Auburn-Crile Study.
2. The use is currently allowed as a conditional use in R-1, R-4, B-1 and B-2.
3. The use is more residential in nature than commercial.
4. There are no proposed development standards for this conditional use.

The uses that are recommended and allowed under GB are oriented to professional office, retail and commercial. Residential care facility, nursing home and home for the aging as a conditional use in the Gateway Business District (GB) were not recommended.

Staff and the Land Use and Zoning Committee recommended that the text not be accepted.

Mr. Morse moved and Mr. Adams seconded the motion to accept the recommendation of the Land Use and Zoning Committee to recommend denial of the proposed text amendment to add Residential Care Facility, Nursing Home and Home for the Aging as a Conditional Use in Gateway Business District in Concord Township.

All voted "Aye".

REPORTS OF SPECIAL COMMITTEES

Mr. Webster said that there was no report from special committees.

Mr. Boyd informed the Board that four communities, including Perry and Madison Townships, will receive a total of \$1.25 million in 2009 for coastal enhancements. He pointed out that we are finally seeing results from county coastal plan efforts started in 2001.

CORRESPONDENCE

Fairport Harbor Village Letter of Appreciation

Mr. Webster said that Fairport Harbor was pleased with the contributions of the Planning Commission in guiding them through the complex process of adopting an Architectural Review process.

OLD BUSINESS

Lake County Subdivision Regulations Changes to Articles III, IV, and V

Mr. Radachy said that the County Engineer submitted some late changes to the Subdivision Regulations. These changes will be reviewed at a later date.

NEW BUSINESS

Mr. Siegel said that the county is in budget discussions at this time.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

Mr. Schaedlich moved and Mr. Morse seconded the motion to adjourn the meeting.

All voted "Aye".

The meeting adjourned at 7:14 p.m.

Walter R. Siegel, Chairman

Jason W. Boyd, Director/Secretary

MINUTES OF THE LAKE COUNTY PLANNING COMMISSION December 16, 2008

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Chairman Siegel called the meeting to order at 7:02 p.m.

ROLL CALL

The following members were present: Messrs. Adams, Brotzman, Klco (alt. for D. Troy), Morse, Schaedlich, Siegel, Zondag, and Mmes. Hausch and Pesec. Staff present: Messrs. Webster, Boyd, Radachy, and Ms. Myers.

MINUTES

Mr. Morse moved and Mr. Schaedlich seconded the motion to approve the November 26, 2008 minutes as submitted.

All voted "Aye".

FINANCIAL REPORT

Ms. Hausch moved for approval of the November, 2008 Financial Report and Mr. Schaedlich seconded the motion.

All voted "Aye".

PUBLIC COMMENT

Mr. David Novak of Barrington Consultant Group and resident of Lake County commented on behalf of Mr. Webster's retirement at the end of January, 2009, that it has been a pleasure to work with Mr. Webster because he brought a lot of creditability and should be commended for all his efforts given to Lake County.

LEGAL REPORT

Mr. Robert Gambol, Asst. Prosecutor, said there was nothing to report and he also wanted to commend Mr. Webster for his services.

DIRECTOR'S REPORT

Mr. Webster reported there were two interns the Planning Commission would like to bring on staff at no charge, Fairport Harbor has asked for a contract to help review zoning in the future, and Leroy Township adopted the riparian zoning. Mr. Webster asked Mr. Boyd to comment on these items.

Mr. Jason Boyd commented that Mr. Radachy had worked the last couple of months with the Fairport Harbor Planning Commission and Council on their commercial zoning design standards and they were pleased with his work. Towards the end of this year, staff had approached Fairport Harbor about assisting them with their site plan and architectural review for a fee. A contract was drafted by staff and reviewed by the Prosecutor to begin on January 1, through December 31, 2009. This work should require no more than two to four hours a month.

Two young people who are pursuing Master Degrees were interviewed for intern positions at no cost. Mr. Boyd thought it would be a good fit considering the staffing levels of the office. One has a more technical background and could help with pending mapping projects. The other's background and strengths appear to be more in the policy and research direction, which would help us in the coastal initiative and grant research. Mr. Webster added that they would be able to use a County car with a valid driver's license and get mileage reimbursements for their cars per Mr. Margolis.

Staff has been working with the Leroy Township Zoning Commission since 2004 when their Comprehensive Plan was completed. Mr. Boyd credited them with having implemented a good deal of the Plan. A few changes need to be made in the riparian zoning text per the previous night's meeting and this project will be completed.

Mr. Adams moved to hire two interns at no fee for a period of January 2009 to May 2009. Ms. Hausch seconded the motion.

All voted "Aye".

ANNOUNCEMENTS

There were no announcements.

SUBDIVISION REVIEW

Concord Township – Orchard Springs, Preliminary Plan, 48 Lots

Mr. Radachy explained there was a pre-application meeting held on November 24, 2008 and they are now submitting the preliminary plan for the Orchard Springs subdivision in Concord Township. The developer is Ralph Victor Construction and the Engineer/Surveyor is Barrington Consulting Group, Inc. This subdivision has 48 sublots on 38.77 acres of land with sewer and water and is zoned as R-2 RCD. It is located at the end of Orchard Road, north of Colburn, east of S.R. 44 and west of Timberlane. There will be an extension of Orchard Road and a connection to Colburn. There are a couple of streams and a small ravine in this subdivision. There were 11 preliminary plan stipulations, 11 design stipulations, two design comments, 17 technical stipulations, and 13 technical comments were submitted as follows:

Preliminary Plan Stipulations:

1. The approval of the Preliminary Plan by the Planning Commission shall be effective for maximum period of three years from the date of its approval unless Planning Commission grants an extension or subdivision is done in phases and the plat of the first phase is approved, then it is a maximum period of three years from the date of approval of the first phase. *Article III Section 3(G)*
2. This subdivision is a re-plat of Lake Erie Apple Orchard and Hillcrest #2. These subdivisions shall be referenced on the final plat. *LCPC Staff*
3. The width of the unnamed right-of-way (AKA East Orchard) needs to be shown on vacation plat or subdivision plat. *Article III Section 3(D)(1)(f)*
4. Township borders shall be shown on the final plat. *Article III Section 3(D)(1)(f)*
5. Painesville Township Local School District is now known as Riverside Local School District. *Article III Section 3(D)(1)(t)*
6. Revise item #5 under the Notes section to clarify the uses permitted, from "fee simple sublots" to "detached single-family dwellings on fee simple lots only". *Concord Twp. Trustees*

7. The minimum square footage allowed per dwelling unit shall comply with the requirements set forth in Appendix B of Section XVI of the Concord Township Zoning Resolution as follows: 1,200 sq. ft. for 1 story detached dwellings; 1,400 sq. ft. for 1 ½ story detached; and 1,600 sq. ft. for 2 story detached dwellings. *Concord Twp. Trustees*
8. Open space areas proposed in this development that do not meet the design criteria outlined in Section 16.24 C of the Concord Township Zoning Resolution include: detention ponds, areas less than 1 acre in size, and areas that have a dimension less than 25 feet in any direction. With these deductions, an estimated 17 areas (or 44%) of open space remain and can be counted toward the allowable increase in the base density, as set forth in Section 16.24 B of the Zoning Resolution. A total of 4 additional units were proposed, which is a density increase of 9 percent. *Concord Twp. Trustees*
9. A final form of covenants, deed restrictions and/or by-laws associated with the development shall be submitted to the Township for review. Ownership and maintenance of the designed open space areas shall be specified on the plat and within such covenants or deed restrictions for the development. *Concord Twp. Trustees*
10. This proposal is consistent with the Preliminary Plan approved by the Township at the time of the request for rezone from the R-1 Residential to the R-1, Residential Conservation Development (RCD) District in October 2006. However, the 12-month time frame has lapsed under which a final development plan (or initial phase of the final plan) was to be submitted to the Township for approval, as per Section 16.14 of the Zoning Resolution. Therefore, the preliminary plan for Orchard Springs shall be reapproved by the Township Trustees at a public meeting, which has been scheduled for December 17, 2008, 7:00 p.m. at Concord Town Hall. *Concord Twp. Trustees*
11. The Township questions the buildability of sublots 13 and 14 with the gas well and associated tanks located on these properties. Will access to these wells need to be maintained and, if so, where will the access drives / points be located? Identify on the plat. *Concord Twp. Trustees*

Design Stipulations:

1. Evidence that the road intersection of Victor Drive and Colburn Road meets the visibility requirements of these regulations shall be presented with the submission of any final plat in conjunction with the preliminary approval. *Article IV Section 2(B)(3)*
2. Names of new streets shall not duplicate the names of existing streets of record in Lake County. Victor Drive exists in Eastlake, Ohio. *Article IV Section 2(H)*
3. Fire hydrants shall be placed at the corners of all blocks, and at the mid-block for blocks exceeding eight hundred feet in length. There shall be a fire hydrant at the corner of Colburn Road and Victor Drive *Article V Section 11*
4. The subplot arrangement and design shall be such that all sublots will provide satisfactory and desirable building sites, properly related to topography and the character of the surrounding development. The developer shall provide information that sublots 12, 13 and 14 are buildable in relation to the presence of the gas well on the property. *Article IV Section 3(A)(1)*
5. The first hydrant located at the Orchard Road cul-de-sac to be relocated to the corner of the cul-de-sac street and Victor Drive to service both streets. Fire hydrants may be spaced no further than 500 feet apart and all hydrant steamer outlets to be outfitted with a 5" Stortz fitting. *Concord Twp. Fire Dept.*
6. Sanitary sewer easement required from Cambden Creek Estates to provide sanitary sewer outlet for Orchard Springs. *Utilities Dept.*
7. Angles along sanitary sewer easement shall not be approved. *Utilities Dept.*
8. The Stormwater easements shall be either local service drainage easements or drainage easements depending on what the facilities inside the easement drain. *Art. III Sec.*

6(D)(1)(e)(h)

9. Detention & Water Quality ponds shall have an ingress/egress easement for maintenance requirements. *Lake County Engineer*
10. Note on the plat that dwellings proposed on sublots 1, 36 and 48 shall face Victor Drive, and dwellings proposed on sublots 15 and 22 shall face Orchard Road, in order to comply with the rear yard setback requirements for dwellings in the R-2, RCD District. *Concord Twp. Trustees*
11. Final plans should show location of existing gas well and where relocated gas lines will be and how they will connect to gas lines currently under construction on Orchard Springs. *Concord Twp. Service Dept.*

Design Comment:

1. The proposed phase line shows the eastern side of the intersection of Victor Drive and Orchard Road as a possible stub street. Stub streets are prohibited by these regulations.
2. Current plans show wetlands will be impacted by this project. Will final plans include mitigation or will lots and streets be relocated? *Concord Twp. Service Dept.*

Technical Stipulations:

1. A Storm Water Pollution Prevention Plan must be prepared for erosion and sediment control. Effective March 1, 2000, an approved Erosion and Sediment Control (ESC) Plan shall be submitted after the approval of the Preliminary Plans and obtained prior to the approval of the Improvement Drawings by the Lake County Planning Commission (Section 5 of the Lake County Erosion and Sediment Control Rules, adopted 12/21/99). ESC Plan approvals shall be obtained through the Lake County Soil and Water Conservation District. Art. IV, Sec. 3, E - Art. IV, Sec. 3, F - Art. V, Sec. 4, A - Art. V, Sec. 4, B - Art V, Sec. 4, C
2. Until plans for the subdivision are approved, properly endorsed and recorded, no improvements such as sidewalks, water supply, storm sewers, sanitary sewerage facilities, gas service, electric service or lighting, grading, paving or surfacing of streets shall hereafter be made by the owner or owners or his or their agent, or by any public service corporation at the request of such owner or owners or his or their agent. *Art. I, Sec 4, B*
3. The subdivider shall set all permanent monuments for subplot corners prior to the recording of the subdivision. *Article I Section 4(H)*
4. All permanent monuments for the centerline shall be set prior to recording of the plat or the final release of the construction surety and acceptance of the maintenance surety. *Article I Section 4(I)*
5. Any subdivision with a preliminary plan filed after 1/27/04 will be required to provide a three year maintenance bond or surety when the subdivision goes into the maintenance phase. *Article V Section 8(D)*
6. Unnamed stream flowing north from Colburn Road to Unnamed Tributary of Ellison Creek and Unnamed Tributary of Jordon Creek shall show the riparian setbacks required for these streams. *Article IV Section 3(D)*
 - a. Riparian setbacks shall be shown for all streams located within the project boundaries. Stream segments within Open Space 'A' and 'E' are not shown with riparian setbacks. *LCSWCD*
7. Ohio EPA NPDES permit for general storm water management and erosion & sediment control shall be obtained prior to the start of construction and copied to the District. *LCSWCD*
8. Complete an erosion and sediment control plan with the improvement plan drawings.

LCSWCD

9. Please provide the District with a copy of the most updated wetland delineation report and map. Additionally, provide any U.S. Army Corps of Engineers or Ohio EPA documents that affirm the completed wetland and stream delineations at the site. *LCSWCD*
10. Distinguish the wetlands shown on the Preliminary Plan with corresponding acreages per the affirmed wetland delineation map. Also list the type of stream resource (i.e. perennial, intermittent or ephemeral) for each stream located within the project boundaries. *LCSWCD*
11. National Pollutant Discharge Elimination System (NPDES) rules require storm water discharges to receive treatment through post-construction water quality best management practices prior to discharge into wetlands and/or streams. The storm sewer system for the Victor Drive cul-de-sac area appears not to contain a post-construction storm water quality practice prior to discharge to the unnamed tributary Ellison Creek or its adjacent wetlands. A post-construction best management practice should be designed for this area. *LCSWCD*
12. Wetland areas shown within roadways, utility easements, storm water facilities or outlet structures and proposed sublots shall be shown as impacted. Acreage of impact for each wetland shall be shown with the corresponding U.S. Army Corps of Engineers or Ohio EPA permit authority listed on the plan. *LCSWCD*
13. Fire flows must meet ISO minimum requirements for size, type and spacing for structures built. Hydrant flows must be 750 gallons per minute minimum. *Concord Twp. Fire Dept.*
14. Typical roadway section shall conform to Lake County Standards. Pavement Design shall be based on Soil Analysis and AASHTO design parameters. *Lake County Engineer*
15. Yard drains shall be provided for every subplot. *Lake County Engineer*
16. Stormwater Management shall conform to Lake County Standards and Stormwater Management Department rules and regulations. *Lake County Engineer*
17. Final plans should indicate who is responsible for retention and stormwater maintenance. *Concord Twp. Service Dept.*

Technical Comments:

1. Prior to issuance of a final Certificate of Occupancy the Lake County General Health District shall have granted final approval of a conforming water and sanitary sewerage disposal system. A final Certificate of Occupancy will not be issued by the Lake County Building Department until or unless the Building Official inspects the building or structure and finds no violations of the provisions of the 2006 Residential Code of Ohio for One, Two and Three – Family Dwellings, or other laws that are enforced by the Lake County Building Department. **No Building or structure shall be used** or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the Building Official has issued a Certificate of Occupancy. *L. C. Building Department*
2. Final approval could be forthcoming when detailed construction drawings are submitted to the Lake County Department of Utilities for review and comment. *Utilities Dept.*
3. Potable water to be supplied by Painesville City per their Franchise Agreement with the Board of Lake County Commissioners. *Utilities Dept.*
4. All cul-de-sacs must be provided with a minimum diameter of 120 feet. Concord Township Fire Department will NOT approve “Stub Streets” of any length. *Concord Twp. Fire Dept.*

5. Concord Township Fire Department will require a street “name change” if it is determined one is similar to others already established in Concord Township. *Concord Twp. Fire Dept.*
6. All structures shall have approved address numbers, building numbers or building identification in accordance with the Ohio Fire Code 505.1 after completion of construction and prior to occupancy. Mailbox house numbers must be double sided. *Concord Twp. Fire Dept.*
7. Riparian setback shall be at the minimum dimension or at the edge of the wetland, whichever is greater. *Lake County Engineer*
8. Suggested that premium backfill be required for all utility trenches within zone of influence of pavement. *Concord Twp. Service Dept.*
9. There should be no diversion of runoff water from one watershed to another. *Concord Twp. Service*
10. Plans should include defined schedule for construction of retention and stormwater measures. *Concord Twp. Service Dept.*
11. Thickness of pavement components including item 203 subgrade compaction should be on final plans. *Concord Twp. Service Dept.*
12. Streets and Fire Hydrants must be installed and operational prior to start of construction of any structures. *Concord Twp. Fire Dept.*
13. Street name signs and “No Parking on Hydrant Side of Street” signs shall be provided and installed prior to the start of construction of any structure. Street signs shall be in accordance with the Ohio Fire Code 505.2 and be double sided. Building numbers or identification must be provided during all phases of construction of a structure. *Concord Twp. Fire Dept.*

There is a discrepancy between the Township and the developer’s figures on the amount of open space. The Township says there is 44% and the developer 49%. The Township stipulated open space areas proposed in this development that do not meet the design criteria outlined in Section 16.24 C of the Concord Township Zoning Resolution include: detention of ponds, areas less than 1 acre in size, and areas that have a dimension less than 25 feet in any direction.

There was a modification on the gas well on the map in today’s handout. Initially the well was placed in an open space. It is actually located on the side lot lines between subplot 13 and 14. The well is on subplot 14 and the two tanks and the separator are on subplot 13. It does affect subplot 12 because the separator is right on the line between subplot 12 and 13. ODNR states if a house exists on the property, the well needs to be 100 feet away from the house and 100 feet away from the street; however if the well exists and the property is being subdivided there are not setbacks. This well was drilled sometime last Fall. According to Mr. David Novak, this well has already been located and tied in. The developer retains the mineral rights to the well and the leasor owns the tank. The necessary easements to the well will have to be done through the owner and the leasee of the tanks. The Subdivision Regulations do not address gas wells.

There are wetlands outside the cul-de-sac that may require wetland mitigation and fire hydrants were an issue. They need to be at the beginning, mid-point and the end of each road in the subdivision and no more than 800 feet apart. The Concord fire Department will only allow 500 feet between fire hydrants and we usually leave this up to them. A fire hydrant needs to be placed at the beginning of this subdivision on Colburn Road.

Ms. Pesec wanted to know how much of the wetlands would be impacted and Mr. Matt Scharver of the Lake County Soil and Water Conservation District said they do not know at this time. The District would like to see the wetland delineation and their impacts shown on the new

map. He stated they would probably need an individual permit because they are proposing a road through the middle of the wetland.

Staff recommended approval of the Orchard Springs preliminary plan with the submitted stipulations and comments.

Mr. Schaedlich moved to approve the Orchard Springs preliminary plan with 11 preliminary plan stipulations, 11 design stipulations, two design comments, 17 technical stipulations, and 13 technical comments. Mr. Adams seconded the motion.

All voted “Aye”.

Subdivision Report

Mr. Radachy reported that the Summerwood Phase 1 subdivision construction surety for roads was finally placed into maintenance as of December 11, 2008.

LAND USE AND ZONING REVIEW

Painesville Township – Proposed Text Amendment – Sections 5, 6.13, 11.10-11.14, 22-24, 34 and 35

Mr. Radachy explained Painesville Township submitted the following proposed text amendments:

- Section 5: Addition of new definitions.
- Section 6.13: Addition of new regulations to fence regulations.
- Sections 11.10 – 11.14: Addition of new site plan regulations and review process.
- Sections 22, 23 and 24: The B-1, B-2, and B-3 regulations have been combined into one section. Uses have been placed into a chart format. Sections 23 and 24 will be deleted from the text.
- Section 34: Architectural design standards. New chapter.
- Section 35: Landscaping design standards. New chapter.

Land Use and Zoning recommended the submitted changes to the text with some minor additional changes. They neglected to add the section number for Adult Oriented Business to Personal Services definition and there was a typographical error in Section 35.05 C.

Mr. Radachy directed the Commission members to only be concerned with the bold italic areas in the definition section and the new language in Sections 11.10 to 11.14 in Site Plan Review Standards, as well as in Sections 22, 34 and 35.

Staff stated that in Section 11.14 C 12, the text is missing the section reference. The Zoning Commission also removed the action language from the flow chart and the part of the chart showing the Zoning Inspector approval with conditions.

Sections 23 and 24 have been combined into section 22. All of the uses of those sections have been combined into one use chart, along with new uses that were defined in Section 5. All of the lot and building standards have been combined into one part of Section 22. New diagrams of standard lots and buffer lots have been added to this section. The Zoning Commission changed the lot diagrams in the original submission. The standard lot in the LUZ submission had sideline clearances of 25 feet and 15 feet. The actual standard is the total sideline clearance of 40 feet with a minimum of 10 feet on one side and 30 feet on the other. The Zoning Commission also made some grammar corrections on the purpose statement of Section 22.

Staff stated that Section 34 is the new architectural standards and Section 35 is the new landscaping standards. In the LUZ handout, Section 35 is shown as 38. Staff stated that Section 35.05 C should read “one hundred (100) square feet and not one 100 square feet.

The last issue that staff had was the fact that there were no conditions created and added to Section 12 for all the new conditional uses. Standards need to be created.

The Land Use and Zoning Committee recommended the text changes be made with the addition of adding the section reference to Section 11.14 C 12, fixing Section 35.05 C to read “one hundred (100) square feet and adding the conditions for the new conditional uses”.

Mr. Zondag stated that Section 35, Landscaping Design Standards, concerning the standards for the islands in parking lots as to size, installation, directions and locations will not be successful in the long term, they will not be able to buy trees in the suggested sizes in this area, and there will be a constant problem of replacing dead trees later on because of salt problems and the islands being too small to allow proper growth. He asked that the Township be asked to contact him at the Ohio State University Extension (OSU Extension) for assistance with information on planting tree islands professionally before their public hearing on January 12, 2009. Zoning could be set up now that would make the architects build islands for better plant survival.

Mr. Schaedlich moved to recommend approval of the submitted text changes with the changes mentioned above by the Land Use and Zoning Committee along with the additional recommendation to seek consultation with Mr. Randy Zondag at OSU Extension for the landscape section. Mr. Klco seconded the motion.

All voted "Aye".

REPORTS OF SPECIAL COMMITTEES

The minutes for the Lake County Coastal Plan Committee were included in the handout for review.

CORRESPONDENCE

There was no correspondence.

OLD BUSINESS

Lake County Subdivision Regulations Changes

The packets tonight included comments received today from the County Engineer. While making these changes to the Hillside Regulations, Mr. Radachy realized there was some information that needed to be received regarding the preliminary plans, final plat and improvement plans. He revised Article III, Section 2 C5 concerning the 15% slope indication and added hydric soil warning language on a plat. The following questions were forwarded to the Prosecutor for review and the opinions received are listed below:

1. Question: We revised the Hillside Regulations from what was originally presented. We also made some changes to Article III because of the changes in the hillside regulations. Article III contains the information needed to be submitted with a Preliminary Plan, Improvement Plan and Final Plat.

Answer: The planning commission has the authority to require a developer to dedicate land in a subdivision to open space. As early as 1956, the Ohio Attorney General interpreted R.C. 711.10 to authorize mandatory parkland dedication under certain conditions under the authority granted to the planning commission to provide "adequate and convenient open spaces for...recreation, light, and air." However, the amount of land dedicated for such purposes would have to be reasonable; one open lot for every 4 sublots, for example, probably would not be a reasonable regulation because it would dedicate 20% of the useable area to open space. Whether the developer wanted to transfer the open space to the homeowners' association would be up to the developer. As long as the designated open area was restricted from being built upon, a transfer requirement would probably not sustain a court challenge. Any attempt to include a transfer provision like this would also have to be part of the subdivision regulations and subject to the amendment process, public hearings, the commissioners' enactment, etc. However, requiring a developer to transfer real property to a governmental entity--a township or Lake Metroparks--rises to the level of a taking. It is not just ill-advised, it's probably unconstitutional. This opinion will require a change to the proposed amendments to Article III Section 7.

2. Questions: We were also requested to look our ability to require a developer to transfer open space or common space to the homeowner association, Lake Metroparks, the township, or whoever at the same time a plat is filed. We were also asked to see if we could require plat language that would warn future homeowners that there may be soils

that may cause wet basements or worse. It is a way to try to make sure that home design would take soils into consideration.

Answer: The planning commission has no authority to require plat language warning of soil problems. I am forwarding to you by inter-office mail, an Ohio Attorney General's Opinion (1995 OAG 2-197) directed to Charles E. Coulson speaking to this issue exactly. Only the Board of Commissioners, through its building code, has the authority to enact regulations prohibiting builders from constructing basements in poor soil types. The Board, under the building regulations then, could require the plat language that the planning commission is seeking. Because the planning commission has no authority to enact soil regulation provisions, it has no authority to require the plat language. This opinion makes the proposed addition of Section k regarding "approved language" for hydric soils unacceptable. It is acceptable to have available to developers a study, either by the planning commission or by the soil and water district, containing information regarding hydric soils in the area. (There is a brief discussion in the OAG opinion of Issue No. 1, above.)

Language regarding the above determined to be out of our jurisdiction has been struck out of Article III in the handout tonight.

A letter could be sent to the County Commissioners asking that they consider requesting the hydric soil language being added onto the plat. If they were to approve this, it could become a part of the Lake County Building Code.

Ms. Pesec moved to set a public hearing on Article III changes in the Subdivision Regulations at 6:30 p.m. before the January 27, 2009 meeting. Mr. Schaedlich seconded the motion.

All voted "Aye".

Mr. Schaedlich moved to recommend the staff write a letter to the County Commissioners encouraging them to put language regarding hydric soils on the plat, especially in reference to potential flooding basements, through the sediment and erosion regulations or the County Building Department regulations and to request a meeting to present this issue to discuss if this might be done. Ms. Pesec seconded the motion.

All voted "Aye".

REPORTS OF SPECIAL COMMITTEE

Minutes from the last Lake County Coastal Plan Committee meeting were in the handout.

CORRESPONDENCE

There was no correspondence

NEW BUSINESS

Appointment of Officer Nominating Committee

Chairman Siegel appointed Ms. Pesec, Mr. Morse and Ms. Hausch to be on the Nominating Committee to elect the 2009 Chairman and Vice Chairman and they accepted.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

Mr. Morse moved to adjourn the meeting and Ms. Hausch seconded the motion.

All voted "Aye".

The meeting adjourned at 8:03 p.m.

**MINUTES OF THE PUBLIC HEARING
ON THE LAKE COUNTY SUBDIVISION REGULATION CHANGES
January 27, 2009**

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

ROLL CALL

The following members were present: Messrs. Adams, Franz (alt. for Schaedlich), Morse, Siegel, Smith (alt. for Sines), Troy, Zondag, and Mmes. Hausch and Pese. Staff present: Messrs. Webster, Boyd, Radachy, and Ms. Truesdell.

LEGAL NOTICE

Mr. Siegel announced the Public Hearing open at 6:30 p.m. Mr. Webster read the *Notice of Public Hearing* that was posted in the News Herald on December 28, 2008 and January 11, 2009.

NOTICE OF PUBLIC HEARING

Notice of public hearing is hereby given to amend the Lake County, Ohio

Subdivision Regulations for the unincorporated areas of Lake County to be held at 6:30 p.m. on January 27, 2009 at 125 East Erie Street, Painesville, Ohio in accordance with Sections 711.10 and 711.101 of the Ohio Revised Code to consider amendments to the Lake County Subdivision Regulations.

Such amendments pertain to revisions to Article III, Sections 2(C)5, Section 3(D)(1)(aa) and Section 4(D)(1)(g) and (q), Procedures to Approve Plats and Plans. These are on file in the Lake County Planning Commission office, 125 East Erie Street, Painesville, Ohio, open 8:00 a.m. to 4:30 p.m., Monday thru Friday, (except holidays) or at www.lakecountyohio.gov/planning.

Walter R. Siegel, Chairman
Darrell C. Webster, Secretary
December 28, 2008
January 11, 2009

PUBLIC COMMENT

Mr. Radachy said the County Engineer commented that under Article III, Section (C)5, that reference to Ohio State Plane Coordinates shall be indicated.

Mr. Siegel asked if there were any public comments for the changes. There were none.

Mr. Siegel asked if there were any public comments against the changes. There were none.

Mr. Siegel asked for a motion to close the public hearing. Mr. Adams moved and Ms. Hausch seconded the motion to close the public hearing.

All voted "Aye."

The Public Hearing closed at 6:35 p.m.

Walter R. Siegel, Chairman

Jason W. Boyd, Director/Secretary

MINUTES OF THE LAKE COUNTY PLANNING COMMISSION January 27, 2009

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Chairman Siegel called the meeting to order at 7:00 p.m.

ROLL CALL

The following members were present: Messrs. Adams, Franz (alt. for Schaedlich), Morse, Siegel, Smith (alt. for Sines), Zondag, and Mmes. Hausch and Pesec. Staff present: Messrs. Webster, Boyd, Radachy, and Ms. Truesdell.

MINUTES

Mr. Morse moved and Mr. Adams seconded the motion to approve the December 16, 2008 minutes as submitted.

All voted "Aye".
Two abstained.

FINANCIAL REPORT

Mr. Adams moved for approval of the December, 2008 Financial Report and Mr. Franz seconded the motion.

All voted “Aye”.

ELECTION OF OFFICERS

Mr. Morse reported that the Nominating Committee met at 6:40 p.m. and nominated Walter Siegel for Chairman, Vanessa Pesec for Vice-Chair, and Jason Boyd for Secretary. The meeting adjourned at 6:45 p.m.

Mr. Smith moved and Ms. Hausch seconded the motion to elect Walter Siegel for Chairman, Vanessa Pesec for Vice-Chair, and Jason Boyd for Secretary.

All voted “Aye”.

2009 MEETING DATES AND TIMES

Members reviewed the 2009 meeting calendar and agreed with the selection of the December 15th meeting date.

Mr. Adams moved and Mr. Smith seconded the motion to approve the 2009 meeting dates and times using the December 15th meeting date.

All voted “Aye”.

PUBLIC COMMENT

There was no public comment.

LEGAL REPORT

Mr. Ben Neylon, Assistant Prosecuting Attorney, said there were no legal issues to report.

DIRECTOR’S REPORT

Mr. Webster said Fairport Harbor authorized a resolution directing the Village Administrator to enter into a contract with the Planning Commission to assist in their planning and zoning administration.

Mr. Boyd said that the final draft of Eastlake’s combined plans should be delivered next week and final edits and billing for the \$3,000.00 cost should be done by early March. It will be paid by the Chagrin River Watershed Partners. The Perry Township Lane Road final draft should be delivered in February also.

Mr. Webster distributed an editorial from The News Herald recommending that Willowick use the Planning Commission staff for their future zoning and planning endeavors.

ANNOUNCEMENTS

Mr. Radachy said that the Ohio Planning Conference, Northeast Ohio Section, will hold their annual Planning and Zoning Workshop on June 5, 2009 at the Holiday Inn LaMalfa in Mentor. The participating members are from Ashtabula, Geauga, Lake, and Trumbull Counties.

SUBDIVISION REVIEW

Subdivision Activity Report

Mr. Radachy said the Concord Farms Subdivision, at the end of Weathersfield Drive, was recorded this month.

LAND USE AND ZONING REVIEW

Madison Township – Proposed Text Amendments to Sections 104 A-1, Agriculture, 106 R-1, Suburban Residence, and 107 R-2, Single-Family

Mr. Radachy said that Madison Township wants to add language to Section 519.1, Agricultural Exemption. The Township proposed to regulate certain agricultural uses. The following shall be prohibited: raising, breeding, dairying, or maintaining farm animals/livestock such as horses, pigs, cows, sheep, goats, chickens, or similar livestock or fowl in any platted subdivision on lots of one acre or less.

One of the issues with the proposed regulations is that Section 711.13.1 does not exist in

the ORC. It should be 711.131. The proposed language is written so that it does not take into account that lot splits do not require a plat. This does not apply to any platted subdivision pursuant to 711.05, 711.09, 711.10 and 711.13.1 of the ORC. The second issue is the fact that 711.05, 711.09 and 711.10 defines who approves the subdivision plat. In 711.05, the County Commissioners approve the plat and their representative authority is the Planning Commission.

Mr. Radachy said that staff was concerned about prohibiting agriculture. There are various positions on this issue and many communities have prohibited agriculture, while others have heavily regulated agriculture. Staff recommends that legal counsel review this issue.

Mr. Radachy said ORC 519.01 defines agriculture well and the township should consider sticking to the definition. Staff recommends the revision of the proposed language as follows if the township wishes to continue with a prohibition:

In Section 104.1.10 Lots 1 acres or less in any platted subdivision approved under 711.05, 711.09 or 711.10 of the ORC or in any area consisting of fifteen or more lots approved under section 711.131 of the revised code that are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which is contiguous to one another and adjacent to the opposite side of the same dedicated public road, the following should be prohibited: animal husbandry, poultry husbandry and the production of poultry, poultry products and dairy production.

Staff is recommending approval of placement of the text amendment to Sections 125.11 instead of Sections 104, 106, and 107.

Mr. Morse moved and Ms. Hausch seconded the motion to accept the recommendations of the Land Use and Zoning Committee and recommend approval of the Proposed Text Amendments to Sections 104 A-1, Agriculture, 106 R-1, Suburban Residence, and 107 R-2, Single-Family in Madison Township.

All voted "Aye".

Perry Township – Proposed Text Amendments to Sections 301.01, 302.01, 303.01 and 304.01, Bed and Breakfast Conditional Use

Mr. Radachy said the Township amended its sign regulations in 2007 and did not amend these sections to show the new changes. The Township was removing the line "non-illuminated, mounted flat against the wall of the principle building", and changing the section reference in the text from 409.09(b) to 409.09(a)(1). The Land Use and Zoning Committee recommended the Township should accept the changes.

Mr. Adams moved and Mr. Franz seconded the motion to accept the recommendation of the Land Use and Zoning Committee to approve the proposed text amendments to Sections 301.01, 302.01, 303.01 and 304.01, Bed and Breakfast Conditional Use in Perry Township.

All voted "Aye".

Mr. Troy arrived at 8:23 p.m.

REPORTS OF SPECIAL COMMITTEES

There were no reports of Special Committees.

CORRESPONDENCE

Fairport Harbor Village Resolution

Mr. Webster said that we have a contract with Fairport Harbor Village to assist in site review as needed. It is a salary-based contract not to exceed \$1,584.00 for a 12-month period.

Subdivision Plats and Hydric Soils Memo

Mr. Webster said that a letter was sent from the Planning Commission to the Commissioners recommending that they put language regarding hydric soils on the plat through the Lake County Building Department regulations. The Prosecutor's opinion states that, "Because the planning commission has no authority to enact soil regulation provisions, it has no authority to require the plat language."

OLD BUSINESS

There was no old business to report.

NEW BUSINESS

Lake County Subdivision Regulations Changes – Public Hearing

Mr. Radachy said that revisions to the Lake County Subdivision Regulations were incorporated and included in their handouts.

Mr. Siegel asked for a motion to approve the changes to the Lake County Subdivision Regulations, Articles III, IV, and V.

Mr. Morse moved and Ms. Pesec seconded the motion to accept the recommended changes to the Lake County Subdivision Regulations, Articles III, IV, and V.

All voted “Aye”.

Subdivision Plats and Hydric Soils Memo

Mr. Franz commented that in reading through the memo sent to the Commissioners, he noted that the Planning Commission through the Prosecutor’s Office has no jurisdiction over soil surveys. He questioned the Planning Commission’s request to attach information on the reported geological conditions. It is contradictory.

Mr. Radachy said that the recommended advice allowed us to ask for soil surveys in the preliminary plan and improvement plans. Mr. Radachy stated the Prosecutor’s Office would not allow us to put language on the plat stating that there were hydric soils on the property. Several years ago, the Subsurface Drainage Taskforce looked into this and the warning language was recommended. The Prosecutor informed us that although we could not ask for that information on the plat, the Building Department could. The intent was to inform future homeowners and

builders of the potential water table when they design the home, especially homes with basements.

Ms. Pesec said that even though a developer would know, a homeowner would not. The language would only say what type of soil there was. This is intended to inform potential home buyers.

Mr. Troy said he understood that the concern of the Planning Commission was to protect a buyer by giving factual information and not to impose upon builders. He knew there was a recommendation made to the Board of Commissioners and they would review it.

Mr. Webster said that not all builders were aware, so it would protect the builder also. It is there to provide design information to the builders.

Mr. Franz said that the building code in Ohio does address hydrologic conditions, whether a basement is damp-proofed or water-proofed. This language would help the developers know there is a difference and that statement needs to be on those drawings when the plan is submitted.

Committee Membership

Mr. Radachy said that under the Ohio Revised Code, Planning Commission members who have designated alternates who can no longer serve must send a written notice to the Board of Commissioners stating that fact. This letter is from the Planning Commission member and not the alternate.

PUBLIC COMMENT

Mr. Siegel presented a Resolution of Recognition from the Planning Commission members expressing appreciation for his 44 years of dedication and employment at the Planning Commission.

WHEREAS, Darrell C. Webster has served the Lake County Planning Commission with fortitude and a deep personal commitment for 44 years as a

Draftsman, Planning Assistant, Planning Coordinator and, since 1997 to this date, as Director and Secretary.

WHEREAS, Darrell C. Webster has shown significant knowledge, patience and perseverance to become instrumental in achieving a better working atmosphere between the Lake County agencies and the Planning Commission staff; and

WHEREAS, Darrell C. Webster is a proven leader by actively supporting and participating in numerous planning and zoning initiatives at the regional, county, municipal, township, and ecological levels. Mr. Webster has provided support and guidance to this office to prepare and maintain comprehensive planning and land subdivisions in Lake County along with other statutory duties for the five townships and other Lake County communities. Mr. Webster is a leader who has administered and overseen the staff's activities as they reached out to communities to provide more in-depth zoning assistance; and

WHEREAS, Darrell C. Webster is a civic-minded and community-oriented person whose involvement in 18 local agency committees as a member, officer or Lake County representative during his tenure as Director were instrumental in helping to establish a more open relationship between community boundaries, Lake County offices and the Planning Commission staff. He was an integral part in achieving a regional approach of addressing the Lake Erie shoreline through the Lake County Coastal Plan Committee's Coastal Development Plan and achieving a more open relationship with the City of Mentor in his involvement with the Marsh Area Regional Coalition and the Special Area Management Plan; and

BE IT FURTHER RESOLVED, the Lake County Planning Commission recognizes Darrell C. Webster for serving with distinction for 44 years, acknowledges all of the above, and regretfully accepts the resignation by Darrell C. Webster as Director of the Lake County Planning Commission.

ADOPTED BY: The Lake County Planning Commission on this 27th day of January, 2009.

Walter R. Siegel, Chairman

Jason W. Boyd, Director/Secretary

Ms. Hausch moved and Mr. Franz seconded the motion to adopt the Resolution of Recognition for Darrell C. Webster.

All voted "Aye."

Mr. Siegel presented a brass and wood plaque of the January 3, 2009 editorial from The News Herald.

Mr. Webster said he was confident that he was leaving the department in good hands.

Ms. Hausch expressed her appreciation of the long-time working relationship she had with Mr. Webster.

Mr. Zondag said Mr. Webster will continue as a member of the Ohio State University Extension Board emphasizing their enduring relationship.

Mr. Troy said that Mr. Webster was presented with a Resolution of Appreciation from the Commissioners at the Commissioners meeting and that Mr. Webster would continue as his alternate to the Western Reserve Resource Conservation and Development Council and the Chagrin River Watershed Partners. He said that Lake County is a much better place and that everyone benefited and will continue to benefit for many generations from Mr. Webster's dedication.

EXECUTIVE SESSION

Mr. Siegel asked for a motion to go into Executive Session.

Ms. Pesec moved and Mr. Franz seconded the motion to go into Executive Session at 7:39 p.m.

All voted "Aye."

It was moved and seconded to close the Executive Session at 8:26 p.m.

All voted "Aye."

Mr. Troy moved that Mr. Boyd be promoted to the position of Planning Director effective Monday, February 2, 2009 at a salary of \$60,000.00.

All voted "Aye."

ADJOURNMENT

It was moved and seconded to adjourn the meeting.

All voted "Aye."

The meeting adjourned at 8:27 p.m.

Walter R. Siegel, Chairman

Jason W. Boyd, Director/Secretary

MINUTES OF THE LAKE COUNTY PLANNING COMMISSION February 24, 2009

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Chairman Siegel called the meeting to order at 7:00 p.m.

ROLL CALL

The following members were present: Messrs. Adams, Brotzman, Klco (alt. for Troy), Morse, Schaedlich, Siegel, Smith (alt. for Sines), Zondag, and Mmes. Hausch and Pesec. Staff present: Messrs. Boyd, Radachy, and Ms. Myers.

MINUTES

Ms. Hausch moved and Mr. Morse seconded the motion to approve the January 27, 2009 Public Hearing minutes as submitted.

Seven voted "Aye".
Three abstained.

Mr. Schaedlich mentioned two corrections to be made in the January 27, 2009 minutes; one, in the first paragraph of page 5, the word "allowed" should be "allow" and the second was

the word “but” in the second to the last sentence should be removed. On page 6, the last sentence should read “from”, not “for” Mr. Webster’s dedication.

Mr. Adams moved and Mr. Schaedlich seconded the motion to approve the January 27, 2009 regular meeting minutes with the aforementioned changes.

Seven voted “Aye”.
Three abstained.

FINANCIAL REPORT

Public Officials Directory Quotes

Ms. Hausch moved to accept the ReproCenter quote to print the 2009 Public Officials Directory from the five submitted quotes. Mr. Smith seconded the motion.

All voted “Aye”.

January, 2009 Financial Report

Mr. Adams questioned the \$35.00 amount in travel on the report. Mr. Boyd said there was a subtraction error in the appropriations remaining column.

Mr. Morse moved to accept the January, 2009 Financial Report with the aforementioned correction and Mr. Smith seconded the motion.

All voted “Aye”.

PUBLIC COMMENT

There was no public comment.

LEGAL REPORT

Mr. Eric Condon, Assistant Prosecuting Attorney, said there were no legal issues to report.

DIRECTOR’S REPORT

Mr. Boyd included a written report in the handout package tonight and brought the following items to the Commission members.

- The Lane Road Corridor Plan and the Eastlake Comprehensive Plan drafts went out to their respective stakeholder committees.
- The Madison Rt. 20 Corridor Plan should be adopted tonight by the Trustees.
- The Lake County Commissioners set the public hearing for the Subdivision Regulations updates for 10:00 a.m. on March 26, 2009.
- Our assistance has been requested from the City of Mentor to update their 1997 Comprehensive Land Use Plan. This would not be as labor intensive as other projects and Mr. Boyd is working on a price with the Chagrin River Watershed Partners at this time. He wanted to request approval to enter into a contract of around \$5,000, but will pursue this further. There was concern on how to determine the price, but the consensus of the Commission was to go forward with this project and develop a price package for future projects.
- Mr. Boyd stated that a survey will be mailed to the Planning Commission members in the next couple weeks to get their feedback and their thoughts on ways to make the meeting process go smoother concerning the information packets, presentations, etc. during the meetings.

ANNOUNCEMENTS

Mr. Boyd announced the fourth annual Northeast Ohio Planning and Zoning Workshop that Mr. Radachy has been spearheading will be held on Friday, June 5, 2009 at the Holiday Inn LaMalfa in Mentor from 8:30 a.m. to 3:30 p.m. The keynote speaker will be Dr. Ned Hill of Cleveland State University.

SUBDIVISION REVIEW

Subdivision Activity Report

Mr. Radachy said there were no subdivisions submitted this month. There were a couple

subdivisions with questions at the Prosecutors for opinions.

LAND USE AND ZONING REVIEW

Concord Township – Proposed Text Amendment #1: Revise permitted use table, development standards, and purpose statements in Section XXII, District Regulations. Repeal existing Sections XXIII, General Business (B-2), XXV, Special Interchange (S), and XXVI, Manufacturing (M). Add reference to zoning districts in design standards, accessory use requirements, and landscaping and screening requirements in Section XXII, District Regulations.

Mr. Radachy said Concord Township submitted eight text amendments for review and they will be addressed separately. These text changes were created in response to the 2004 Concord Township Comprehensive Plan and the 2006 Auburn-Crile Corridor Study. These changes will affect Sections V, VI, XIII, XV, XVIII, XXII, XXIII, XXV, XVI, XXVII, XXIX, XXXVI, XXXVII, and XXXVIII. The changes will create two new zoning districts, repeal one district, consolidate permitted uses and lot requirements for three districts into an existing section, and revise the Conditional Use Section.

Mr. Radachy explained Amendment #1 combines Chapters 23, 25 and 26 into Chapter 22 and creates two new zoning districts, Town Hall Commons (THC) and Town Hall Neighborhood (THN) with new permitted and conditional uses for each district.

Amendment #1:

- Moves development standards and permitted & conditional uses from XXIII (B-2), XXV (S) and XXVI (M) into Section XXII (B-1, GB, BX, and RD-2 District Regulations).
- Section XXII will be renamed Commercial and Industrial District Regulations.
- Purpose Statements for B-2, S, and M are being added.
- Permitted & Conditional Uses are being revised.
- Proposed additional use types are Community Center, School, Outdoor Recreation, Hospice, Governmental Facilities, Police & Fire Services, and Detached Single-Family Cluster Development.
- Uses being removed from B-2 are restaurants, membership clubs, and indoor recreation. Uses being removed from M are membership clubs, veterinary services, and landscaping services.
- Repeal Sections XXIII (B-2), XXV (S) and XXVI (M) after all requirements have been moved to Section XXII. Nuisances and Areas Zoned by Amendment need to be checked to make sure the Township wants them eliminated.
- Town Hall Commons (THC) and Town Hall Neighborhood (THN) Districts and Purpose Statements were created.
- New Permitted and Conditional Uses were added.
- New lot, yard and & building requirements were created.
- Updated district references in Sections 22.06 to 22.08 and 22.11. This includes adding the moved section names, B-2, S and M and new district names THC and THN to list of districts covered by these regulations. This includes changed references to the new section name.
- Added references to Landscaping & Site Plan Sections.

The Land Use and Zoning Committee recommended B-2, S, and M be consolidated into Section XXII and the other sections to be repealed. They recommended the name change; the revisions, additions and deletions from the Use Table and Design Standards Table; the new Purpose Statements for B-2, S, and M; the creation of THC and THN Districts, including all the new uses, design standards, and purpose statements; and all the changes to Sections 22.06 – 22.08 and 22.11.

Mr. Zondag asked why they wanted to include government and churches in the mixed-use zoning and Mr. Radachy replied by reading that Goal F of the 2004 Comprehensive Plan states to establish a Town Center at the Intersection of Concord/Hambden Road and Ravenna Road “to provide a clear identity and preserve historic qualities, the Township should develop a Town Center at this location that would accommodate existing and new government facilities, as needed, and provide for a limited amount of supportive commercial activity.” The new text would fulfill this goal in regards to governmental uses and limited commercial activity. They went one step further and added churches into the text. The proposed commercial uses are

currently allowed in the area, and the text changes would put more restrictions on those uses. The proposed single-family units are similar to those uses in Quail Hollow.

The building and lot specifications were also moved from Chapters 23, 25 and 26. Lot size and lot width were revised, and a maximum impervious surface was introduced in Chapter 22. THC and THN building and lot specifications were being created by this amendment. The chapter was being renamed from B-1, GB, BX, and RD-2 District Regulations to Commercial and Industrial District Regulations. The new title properly describes the chapter and is an easier reference than stating or writing the “B-1, BX, GB and RD-2 District Regulations”.

Staff stated Sections 23.03, 26.02, Nuisances, and sections 23.10, 25.10, 26.10, areas zoned by amendment, were not addressed in the text changes.

Land Use and Zoning recommended accepting text Amendment #1 with staff’s suggested note on sections 23.03, 26.02, Nuisances, and sections 23.10, 25.10 and 26.10, areas zoned by amendment.

Mr. Boyd was concerned about the boundary lines shown on the planning maps from the office and asked them not to get tied to the geography shown. This is the study area used when trying to incorporate the comprehensive plan.

Mr. Siegel stated that right now they were submitting the verbiage and later on they will come up with the map.

Mr. Boyd stated that the red line shown on the PowerPoint was the study area.

Ms. Pesec questioned if, in the B section on Ravenna to the east, the town hall owns a lot of the property. The other side is mainly church and retail; otherwise there are mainly vacant lots. Section A is currently zoned manufacturing. Section A is the town hall neighborhood area and Section B is generally the town hall commons area.

Mr. Adams asked what the gain was for the Township. Mr. Boyd said the Township contacted the office based on implementing the 2006 Auburn-Crile Plan and their 2004 Comprehensive Plan where it clearly states to pursue the Town Hall Center at this intersection. They were researching the implementation of the plan and we were to look at the existing zoning in the area. The area marked A is zoned manufacturing; the area to the left of A is also zoned manufacturing and there are businesses there. The area with the A has been vacant. Across the street from the A, is zoned manufacturing as well but is physically unusable because of the buffer zone leaving a very narrow footprint. Section A has the potential of single-family cluster in that area. There could also be potential office buildings.

Discussion was opened to the public concerning Amendment #1.

- Ms. Stephanie Arnold of 11473 Concord-Hambden Road is one of the three largest landowners in the THN area. She was also representing her neighbor, Mrs. Betty Spear although she believed Mrs. Spear’s land was totally unbuildable. They supported the goals of the Town Hall Center concept to provide a clear identity and to preserve historic qualities. They agreed the Township should develop a Town Hall Center at the intersection of Concord/Hambden and Ravenna Roads. The Comprehensive Plan says, “Overall, the Plan stresses preserving the low-density residential character of the Township while conserving open space, yet it also recommends economic development initiatives designed to preserve the Township’s fiscal stability.” The plan also states, “In terms of economic development, the Committee recommends that there be no major shift in land use patterns in the community in terms of the amount of land zoned for non-residential economic development as there are very few areas of the Township that would be appropriate for industrial or commercial expansion due to locational constraints or potential negative impacts on adjacent residents or natural areas.” The Town Hall Center should be for government and recreation-related activities.

The following were their major concerns / objections:

- No More Cluster Homes - According to the survey and the Concord website, Concord already has enough (16%) detached single-family cluster homes. Painesville City does not have much more than this and the Township is much

smaller.

- Keep All Commercial Property Zoning - The Plan said they did not recommend a shift in land use pattern. There is not enough of a tax base in Concord (only 8%) at this time and the THN committee seems to want to take what is actually commercial land and turn it into cluster homes. The Town Hall Neighborhood property is currently zoned manufacturing even though it is not exactly feasible from a manufacturing standpoint.

Mr. Boyd said the lines on the map were only proposed because Concord was just creating the text and then it would be applied to zoning. Ms. Arnold said it seemed pretty definite to her. To change this would go against the Comprehensive Plan. At the very least, keep the 92-8% ratio of commercial to residential.

Mrs. Arnold continued that they are taking two large chunks of land that are commercial in Concord and trying to put cluster housing, hospice center, an adult day care center or a gas station on this land. All of which are allowed someplace else in the township. She felt residential and nonprofit should not be on commercial property. The below points were also made by Ms. Arnold:

- Noise Levels - She complained about being able to hear the music from the Crile-Auburn corridor, which can be heard a mile away at Concord-Hambden Road from the restaurant there and felt outdoor seating would not be acceptable where bands could play until 2:00 a.m. This entire area is surrounded by residential.
- Density - Town Hall Neighborhood proposes cluster homes, at three homes per acre. The density of the majority of the surrounding residential area is one home per half acre. Quail Hollow is a separate entity onto itself as a PUD. The existing adjacent uses are all residential with regular housing zoned as an acre or one-half acre.
- Establish a Town Center at the Intersection of Concord/Hambden and Ravenna Roads. The reasoning was to provide a clear identity and to preserve historic qualities, that would accommodate existing and new government facilities, as needed, and provide for a limited amount of supportive commercial activity per the Comprehensive Plan. Somewhere along the way, this goal was mysteriously modified to include mixed-use development.
- A Walkable Pedestrian-Safe Environment - The geography, current land use and traffic patterns do not provide a walkable pedestrian-safe environment and allow the area to function in a mixed-use manner, like Hudson, Chagrin Falls, Crocker Park or Legacy Village.

Mr. Siegel asked how much property was involved in the section Mrs. Arnold owned. It was determined to include approximately 25+ acres.

Mr. Siegel stated that density was a zoning item, which will be the next step and was not being addressed tonight. He explained they were coming up with the verbiage, not doing a district change. The Township will do the district next.

Mrs. Arnold and the other owners felt the THC and THN concepts did not use mixed-use development correctly. This proposal is trying to use the planning principals of "Mixed-Use Development" to unify the greater town hall area. Unfortunately, it is not possible. Mixed-Use Development is misapplied to the THN. The currently proposed Town Hall Neighborhood is not a mixed-use development. It does not propose that commercial and residential be in the same building. Furthermore, the area designated as Town Hall Neighborhood isn't even adjacent to the Town Hall area. Finally, there is no pedestrian access anywhere along Route 608 or Ravenna Road, nor would it be advantageous for the community to promote such activity, given the narrow roads, high speed limits and large volume of traffic.

Mr. Smith asked Mrs. Arnold if her objection was to the THN usage and she replied that was part of it. Mrs. Arnold stated that she did not want the current Manufacturing area where the three of them owned property to be rezoned to THN. She explained that the Town Hall

Neighborhood as a walkable, pedestrian safe environment was another issue. Her son was killed from being hit on Concord-Hambden Rd. It is not a walkable environment. It is very dangerous.

Mrs. Arnold read the definition of mixed-use zoning according to the Association of Independent Planners. It is, from what she gathered, to help revitalize a city like Chardon and Chagrin Falls, etc., where you want to mix the use of business and residential to make it viable. It talks about the mixed-use area being in the same building. That is not the case here. She continued that a walkable, pedestrian safe environment for the Town Hall Center is possible.

Mr. John Arnold of 11473 Concord-Hambden Road was the next speaker. The proposed zoning text was too broad whether conditional or provisional. It should be made more concise.

Ms. Jackie Evangelista of 7104 Bridlewood Drive felt they should follow the Comprehensive Plan and keep the zoning ratio at least 8% commercial to 92% residential. This was important in establishing the Town Center. The zoning did not say anything about cluster homes, just a clear identity and historic quality. She did not understand how much we could do tonight to change these issues.

Mr. Siegel said the Commission makes a recommendation to Concord Township and it is then up to Concord and its Zoning Board to decide how to handle this.

Ms. Evangelista said they should not take away any of the commercial area now that they have sewers along the street. She would like to see it remain an income-generating area if possible.

Mr. Craig Cormack of 7220 Ravenna Road, owned property on the corner of Concord-Hambden Road that has been a garden center for about ten years, and stated when they first bought the place it was originally zoned B1 and B2 and Concord Township said they wanted uniformity so he was a good citizen and had it rezoned to B1. The THC would be even more restrictive. He agreed to sewers to be a good citizen. Now the property will be almost unusable with the buffer language if a child center was built near his mulch piles. He believed no thought was given to his business site. Cluster housing, hospice and other nonprofits do not enhance a township nor add to a tax base.

Mr. Smith stated, if this went through and your property was rezoned, the property would be grandfathered and would be considered a legal nonconforming use. Your property could always be used as it is now until you would decide to change the way it is used or sell it.

Mr. Brotzman was concerned if there would be some reclassification of his uses because of regulations if the uses were reclassified as a THN on Mr. Cormack's property. He stated there are the THC/THN portion and a clean up portion of our regulations. Mr. Cormack may be concerned that something is going to happen as they clean up their regulations or is this all THC/THN and that something was going to be put in next to him that would require a buffer on his property. There is no room for buffers. He would own the property and only be able to pay taxes on it which is unacceptable. He is already B1 restricted, and the THC is more restrictive in use. He feels it does not serve his behalf or the Concord Township community in the long run.

Ms. Pesec said the largest property holder in the area is Mr. Osborne. He tried to rezone this area to multi-family a while ago but pulled back his request because it did not look as though it would go through. He came back a year or two later and Concord said no. This change would allow him to do that.

Mr. Boyd reminded the members that this text was more than just about cluster housing. In the Plan there are portions that talk about a mix of government, office, retail and even residential in this area. During the planning and brainstorming session of the Plan, retail was included, but was taken out at one of the meetings at Town Hall. The submission tonight was the Township's request for a recommendation. This Board is just a recommending body to Concord's Zoning Commission, who then votes and sends it to the Township Trustees for final acceptance. This body could make a recommendation of approval with a modification of the approval. The zoning map showed there was a mix of R1, R2, B2, M and R3. He believed the township was trying to achieve the goal of the Plan by thinking on a long-term basis. The Commission could recommend with an exclusion of cluster homes.

Mr. Zondag asked if this went into residential, how would it affect the ratio between commercial and a residentially-zoned property and Mr. Boyd said he would guess there would not be that much considering the RD2 and the Gateway business rezoning. If this project moved forward and if the north or south side goes as a cluster home use and is taken off the tax revenue, it may cut 20 acres off the books as far as potential commercial tax revenue. If this did develop as an office park, the ratio may flop the other way. It is hard to say at this point.

Mrs. Pesec said it was already in, so it would stay and would never enter in it. The other uses like residential, residence care and hospice are concerns because many times they may be non-profits and would not generate income. This was why the Township decided not to include these uses in the Gateway Business as well as in the BX District. They are currently allowed in other districts (B1 and B2), but by keeping them in only some areas where, if it goes nonprofit, you will not lose that much revenue to commercial. Adding it to the THN, where it is commercially zoned is problematic and goes against the theory and concept of why they kept it out of the Gateway Business District.

Mr. Smith stated that, under residential detached single-family cluster development in the plan survey, this was the only box marked and it is marked with conditional use. In all the districts in Concord, that particular use is a conditional use in the THN, so they are creating a whole new cluster area. Mr. Radachy said the single-family detached cluster currently exists in the R-3 and was not actually shown on this chart. This THN is another residential use option.

Mr. Smith moved to accept the Land Use and Zoning recommendations for Amendment #1 but would like to also recommend the Township consider deleting the sections on residential detached single-family cluster development as a conditional use in the THN district. Mr. Zondag seconded the motion.

Discussion began on residential versus business and Mr. Zondag called to question.

All voted "Aye".

Mr. Zondag moved for a break and Mr. Morse seconded the motion at 8:32 p.m.

All voted "Aye".

The meeting reconvened at 8:37 p.m.

Amendment #2:

Mr. Radachy explained that Concord Township proposed to eliminate RD1. The Land Use and Zoning Committee recommended approval.

Mr. Morse moved to accept the recommendation to approve #2 as submitted. Mr. Schaedlich seconded the motion.

All voted "Aye".

Amendment #3:

Amendment #3 was introduced by Mr. Radachy as being the Conditional Uses in Section 13 as follows:

- They are adding THC as a district that would allow restaurants (table and counter service), schools, churches/places of worship and outside dining. The THN District allows restaurants (table and counter service), residential care facility, hospice, and detached single-family cluster residential development.
- The township is updating the use of the design standards for residential care facilities, nursing homes, homes for the aged, and hospice care.
- B1 and B2 parking standards have the same type of requirements, so they are being combined into Section 13.07 I (1.c.)
- Provisions under 13.08 and 13.26 are being added for child and adult day care centers that clarify setback.
- Updating and clarifying building and parking distance requirements for churches and schools that will increase the rear line clearance to 25 feet to conform to the current

parking standards.

- Section 13.26, adult day care references for the M District, is being added. B-2 is being added as a district for construction equipment sales and rental as a conditional use.
- Section 13.36, conditional use criteria for detached single-family cluster developments, was added. THN was also added to this section. Landscaping for parking lots has been modified to reference the new landscaping section. 13.07 L, Landscaping, has been modified to reference the landscaping section.

The Land Use and Zoning Committee recommended all text changes to Section 13 be accepted as stated above with the addition of a 50-foot setback between detached single-family cluster homes and nursing care facilities if the homes were built first.

Staff recommends that all drives be attached to the private road, not the main road.

Ms. Pesec stated there was a problem mentioned earlier with music and noise concerning outside dining (Section 13.35) late at night. She was hoping to consider recommending putting some conditions in this language.

Mr. Smith said, with restaurant as a conditional use, it would need to go before the Board of Zoning Appeals. It was confirmed that under conditional use, the Board could limit the hours of operation concerning the music.

Ms. Pesec moved to accept the recommendations of the Land Use and Zoning Committee with the addition of 50-foot setbacks and also to recommend that cluster homes have driveways attached to the private road, not the main road, and that Section 13.35, Outside Dining, have verbiage taking into account the outdoor bands, times of operations and noise levels, possibly by decibels. Mr. Smith seconded the motion.

Discussion – Ms. Pesec stated that setbacks in the THN were 30 feet from an adjoining property line when abutting a residential district and that being the case; no buildings could be closer than 50 feet. Mrs. Arnold and Mrs. Spears are in a manufacturing district that may be theoretically turned into a THN, which means they would only have a 30-foot setback. Mr. Radachy said Mrs. Spear would have a 40-foot sideline clearance and a 30-foot setback if abutting any residential district or residential use.

Mr. Smith retracted his second to the motion.

Ms. Pesec added to her motion to also add “3c” after Section 13.36D3b stating “When abutting any residential district or use, you would have to put a 40-foot setback from the project boundary”.

Mr. Smith seconded the motion.

All voted “Aye”.

Amendments #4 and #5:

Mr. Radachy explained that Concord Township’s Amendment #4 added new definitions to Section V for newly permitted uses for cluster development, common areas, detached single-family cluster development, governmental facility, hospice care facility, hospice care program, and outdoor recreation.

Amendment #5 added references for the THC, THN, and S (Special Interchange District) in Sections 6.03, General Requirements, and the Performance Standards in Section 6.12. It also removed RD-1 from Sections 6.03 & 6.12 and deleted references to it.

These changes were made because of Amendment #1 and #2.

The Land Use and Zoning Committee recommended the text changes be made for Amendments #4 and #5 as stated above.

Mr. Morse moved to accept the recommendation of the Land Use and Zoning Committee and Mr. Smith seconded the motion.

All voted “Aye”.

Amendments #6 & #7:

Amendment #6 to the Concord Zoning Text would add “hospice care facility” to Section XV, R-1 Residential and Section XVIII, R-4 Residential under the list of conditionally permitted uses.

Amendment #7 would add/revise parking space standards in Section XXIX for the following uses: residential care facility/nursing home/ home for the aging/hospice care facility; governmental facility/police and fire services; postal service; and outdoor recreation. They are also adding THC and THN Districts to parking setback requirements in Section 29.12 and deleting references to the RD-1 District being repealed.

Staff said these changes needed to be made because of Amendment #1 and Amendment #2.

The Land Use and Zoning Committee recommended the zoning changes to Amendment #6 and #7 be made.

Mr. Brotzman moved to accept the recommendations of the Land Use and Zoning Committee and Mr. Adams seconded the motion.

All voted “Aye”.

Amendments #8:

The following zoning text changes were submitted for review by Concord Township:

- Add THC & THN to the site plan review, design standards, and landscaping & screening sections.
- Add that the basic building elements in the THC & THN districts shall be consistent with the Western Reserve Style of Architecture in the design standards. Proposed detached single-family cluster developments conditionally permitted in the THN District shall be excluded from the design requirements set forth in Section XXXVII.
- Remove the 3% depth requirement on long walls in the design standards.
- Include THN, THC, B-2, S & M Districts in the references under Section 38.09, screening to adjacent residential districts.
- Add a reference for landscaping and screening for commercial adjacent to a residential use in the THN District in 38.09.
- Add THN and THC to the fence requirement section.

Staff stated that site plan review is being amended based on Amendment #1. The design standards section is being amended to require the THN and THC to be built in the Western Reserve Style. There is also a change in the long wall to allow for more freedom of the owner to adhere to the regulations based on applicability issues with recent site plans.

Mr. Radachy stated that the Land Use and Zoning Committee was concerned that churches were allowed in the THC District and not the THN. The Township is allowed to regulate where churches go to a certain point. If there are similar uses, such as schools, used as a gathering place then churches would also be allowed.

The Land Use and Zoning Committee recommended accepting the submitted text language with the addition of a 50-foot setback between detached single-family cluster homes and nursing care facilities if the homes are built first.

Ms. Pesec stated that throughout the section on landscaping, different trees are mentioned, but it's not year-around protection.

Mr. Zondag was unhappy with the landscaping section. He said there was no statement as to who would make the determination when reviewing plans. If landscaping is to be put into the zoning requirements, he stated they should be put in with vegetation that is right for this region. He suggested swales for water issues instead of trees because they will not survive nor

help the environment if they were not put in properly and the materials that are suggested are not practical. He mentioned that no one had contacted any of the people he suggested in the past with a request to consult him. We can help them if they want it. Something different is needed.

Mr. Smith stated he would support a recommendation that they strongly consider consultation.

Mr. Boyd asked for direction to the staff on how to get back to the townships on a professional level. A model of landscape regulations may be well received.

Mr. Zondag moved to recommend accepting all the text changes in Amendment #8 except the landscaping section and to rewrite or remove the language according to a professional. Mr. Brotzman seconded the motion.

There was some discussion on how to word the landscaping aspect of the amendment to stimulate discussion from the Township so that they can see that we are concerned. A letter could be sent to offer our assistance on getting help from professionals. It was suggested to address more specific parts of the text language.

Mr. Brotzman removed his second.

Mr. Zondag changed the motion to be more specific and read "...to remove or rewrite Landscaping Sections 38.03 to 38.09 according to a professional." Mr. Brotzman seconded the motion.

Nine voted "Aye".

One opposed.

There was a short discussion on the need to set a standard on landscaping and a discussion on what needs to be done to get this done. There is a book in the Commission library that could help.

Mr. Boyd stated that township zoning concerns the health and safety of the people. He suggested someone sit down and write the language and then have the Prosecutor's office review it. If it is not in the Ohio Revised Code (ORC), we have no authority to be addressing it. Mr. Condon said the ORC would need to be quoted completely for him to comment.

Madison Township – Proposed Text Amendments to Section 125.11

Mr. Radachy explained that Madison Township wanted to prohibit livestock from lots that were less than one acre. Last month, Madison Township proposed to put the language into A-1, R-1 and R-2 text. The Land Use and Zoning Committee recommended that the change take place. After the meeting, staff discovered that Madison Township had language that referenced the same section of law in their Section 125.11. In Section 125.11, Madison Township was regulating the location of agriculture buildings through ORC 519.21 (B), which was the same section they wanted to site for prohibiting livestock. Staff noted this at the Planning Commission meeting and it was recommended that the Township add the prohibition of livestock to Section 125.11 instead of the A-1, R-1 or R-2 Chapters.

The Township took that recommendation and made some modifications. They decided that their modifications were too far away from the recommendation, so they chose to have another public hearing and resubmit it to the Planning Commission. The proposed language now reads:

The Township chooses to regulate farm animals in these areas. The following shall be prohibited: raising, breeding, dairying or maintaining farm animals/livestock such as horses, pigs, cows, sheep, goats, and other similar livestock or fowl. Excluded are companion animals, chickens, a maximum of six (6), no roosters and must be contained and rabbits in hutches are allowed.

The Land Use and Zoning Committee recommended accepting the text change with the addition of a definition for companion animals.

Mr. Zondag was concerned that this would prohibit 4H kids from raising goats, sheep and pigs on their property of one acre or less.

Mr. Schaedlich moved to accept the recommendation of the Land Use and Zoning Committee and Mr. Brotzman seconded the motion.

All voted "Aye".

Mr. Radachy said there was a resolution of appreciation for Ed Hazel representing Leroy Township who resigned from the Land Use and Zoning Committee. Leroy Township recommended Mr. Jeff Kenyon as his replacement. He is on their Zoning Commission. Ms. Pesec said she thought there would be a conflict of interest in making this appointment because he would be recommending on something he would be voting on in a Zoning Commission meeting.

Mr. Boyd brought up a suggestion regarding the Land Use and Zoning Committee. There are no bylaws, policies or chairman for the Committee. The staff would like to formalize a process for it and set up bylaws. Mr. Morse said he was placed on Land Use and Zoning to represent the Commission and was a tiebreaker vote because he wanted to stay on the Committee. Mr. Siegel wanted that Committee to be more organized.

Mr. Siegel asked Mr. Condon to provide a legal opinion on the conflict of interest of appointing someone from a Zoning Commission to the Land Use and Zoning Committee. The appointment of Mr. Kenyon to the Committee was tabled for verification from legal counsel.

REPORTS OF SPECIAL COMMITTEES

There were no reports of Special Committees.

CORRESPONDENCE

Subdivision Plats and Hydric Soils Memo

Mr. Boyd reported on meetings and conversations he had with other County agencies regarding the Subsurface Drainage Taskforce and the subsequent request sent to the Commissioners adding warning language onto a subdivision plat to protect the potential buyers on hydric soils and high water table issues. Assistant Prosecutor, Ms. Nocero, said the Planning Commission could not do this, but the Building Department could. The staff was given permission by the County Commissioners to pursue this issue further. Mr. Boyd met with the Building Inspector and the Lake County Soil and Water Conservation District (SWCD) last week. He reported the Building Inspector was very concerned that he would potentially have to enforce a rule that technically came from the Planning Commission.

The State of Ohio's Building Code would have to be changed to incorporate this warning statement through the Lake County Building Regulations. The State of Ohio's Building Code is not amended on a county-by-county basis. We would have to justify to the State in Columbus about a horrendous water problem that would require the change of a state code based on this stipulation. The Building Inspector agreed with the concept, but was very uncomfortable with having to recommend putting language regarding hydric soils on the plat through the Lake County Building Department Regulations. Mr. Boyd said the Planning Commission staff suggested using an alternative approach to this situation based on discussions they had as a group to accomplish the same objective of warning the citizens. These action items are listed on a letter in their handout tonight. This topic could be introduced at the pre-application meetings to the developer with impacts and potential solutions to existing soil conditions being discussed in the design phase, work with the SWCD and Geographic Information Systems (GIS) department to implement a hydric soil and high water table soils layer on the internet along with a series of fact sheets, provide a better and more efficient share of agency subdivision review information, and possibly conduct semi-annual or quarterly meetings with all departments involved in the development process.

Ms. Pesec did not think the potential buyer would be receiving the information or education and only those who are already aware of the potential problem would.

Mr. Boyd said the staff or Planning Commission members would have to lobby in Columbus to get the codes changed. He asked for the members to look over the memo and

possible solutions it mentioned and let him know where they want the staff to go with this issue.

OLD BUSINESS

NEW BUSINESS

PUBLIC COMMENT

ADJOURNMENT

Ms. Hausch moved to adjourn the meeting and Mr. Schaedlich seconded the motion.

All voted “Aye.”

The meeting adjourned at 9:30 p.m.

Walter R. Siegel, Chairman

Jason W. Boyd, Director/Secretary

**MINUTES OF THE
LAKE COUNTY PLANNING COMMISSION
March 31, 2009**

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Chairman Siegel called the meeting to order at 7:00 p.m.

ROLL CALL

The following members were present: Messrs. Adams, Brotzman, Ferrante (alt. for Pesec), Klco (alt. for Troy), Morse, Schaedlich, Siegel, Smith (alt. for Sines), and Mmes. Hausch. Staff present: Messrs. Boyd, Radachy, and Ms. Truesdell.

MINUTES

Mr. Schaedlich said that on page 6 of the February minutes, an “e” should be added to Mr. Osborne’s name. On page 11, indented paragraph, take out comma after “maximum of” and move six in front of (6).

Mr. Schaedlich moved and Mr. Smith seconded the motion to approve the February, 2009 minutes as with the above changes.

All voted “Aye”.

FINANCIAL REPORT

Mr. Boyd said that the final budget for 2009 was received from the Commissioners and all line items were reduced by at least 5%. Salaries are in place to keep staff at the current level. The salary line item reflects Mr. Webster’s retirement payout.

Ms. Truesdell explained the \$108.00 adjustment was a chargeback from printing posters for the Stormwater Department.

Mr. Brotzman moved for approval of the February, 2009 Financial Report and Ms. Hausch seconded the motion.

All voted “Aye”.

PUBLIC COMMENT

There was no comment from the public.

LEGAL REPORT

Mr. Eric Condon, Assistant Lake County Prosecutor, said there was no legal report.

DIRECTOR'S REPORT

Mr. Boyd said the Lake County Commissioners adopted the subdivision regulations at the public hearing on Thursday, March 26. There was no comment from the public. He asked the Board to review an organizational proposal for the Land Use and Zoning Committee. A complete report was included in the packet.

ANNOUNCEMENTS

Mr. Boyd said the next Northeast Ohio Planning and Zoning Workshop will be held at Holiday Inn LaMalfa on Friday June 5, 2009.

SUBDIVISION REVIEW

Concord Township – Mountainside Farms, Phase 3B, Resubmitted Final Plat, 6 Lots

Mr. Radachy said this plat was originally approved in July, 2005 and will dedicate Butler Hill Drive from Mountainside Farms Phase 2 to Mountaintop Estates. They wish to record Phase 3B before 3A and could not plat a stub street even though the road was there. They were required to build a temporary cul-de-sac or resubmit the plat with the road dedicated to the County. The developer wants to dedicate all of Butler Hill Drive. Staff is recommending approval with two stipulations and no comments on the final plat.

FINAL PLAT STIPULATIONS:

1. The names of the Concord Board of Trustees are not printed legibly below the signature lines. *Article III Section 6 (D)(1)(c)*
2. The improvements for Mountainside Phase 3A that are guaranteed by the combined maintenance surety accepted by the Board of Lake County Commissioners on October 25, 2007 that will now be platted as part of Mountainside Farms Phase 3B will be required to be reviewed and possibly revised to insure that those improvements are properly referenced and protected.

OTHER COMMENTS:

1. No Concerns on the resubmitted plat. *Concord Twp.*
2. No deficiencies or concerns. *L. C. Utilities*
3. We have no concern's regarding this plat. *L. C. Engineer*
4. Fire flows must meet the ISO minimum requirements for size, type, and spacing for structures built. *Concord Twp. Fire Dept.*
5. Streets and Fire Hydrants must be installed and operational prior to start of construction of any structures. *Concord Twp. Fire Dept*
6. Spacing of fire hydrants will be determined by the Concord Township Fire Department and based on a case by case review. *Concord Twp. Fire Dept*

7. Building numbers must be provided and installed prior to occupancy of any structure. *Concord Twp. Fire Dept*
8. Street name signs and “No Parking on Hydrant Side of Street” signs shall be provided and installed prior to the start of construction of any structure. *Concord Twp. Fire Dept*
9. Street name signs and mailbox house numbers must be double sided. *Concord Twp. Fire Dept.*
10. A hydrant shall be placed at the entrance of the cul-de-sac (Permanent or Temporary). *Concord Twp. Fire Dept.*
11. Hydrant flows must be 750 gallons per minute minimum. *Concord Twp. Fire Dept.*
12. Hydrant steamer outlet shall be 5” Stortz fitting on all hydrant installations, and future installations. *Concord Twp. Fire Dept.*
13. Subdivisions with a total of more than 50 lots are required to have 2 means of access for safety purposes. (50 lots is the total for all phases or potential phases of the project.) *Concord Twp. Fire Dept.*
14. Concord Township Fire Department will NOT approve “Stub Streets” of any length. Temporary or permanent cul-de-sacs must be provided with a minimum diameter of 120’. *Concord Twp. Fire Dept.*
15. All contractors are to be instructed NOT to park on the hydrant side of the street during any construction. *Concord Twp. Fire Dept.*
16. Concord Township Fire Department will require a street “name change” if it is determined one is similar to others already established in Concord Township. *Concord Twp. Fire Dept.*

Staff Recommendation: Approval with one stipulation.

Mr. Radachy said the second stipulation was added because the subdivision was approved in phases, with two different maintenance bonds. The improvement plans are accepted by the Commissioners as 3A and 3B and they correspond to the plat. The Commissioners may have to change their resolution to reference the road they accepted as 3A and will now be 3B. The money is there but the dollar amount references may need to be adjusted in the resolution.

Mr. Schaedlich moved and Mr. Brotzman seconded the motion to approve Mountainside Farms, Phase 3B, resubmitted final plat, with 6 Lots in Concord Township.

All voted “Aye”.

Concord Township - Orchard Springs, Phase 1, Final Plat and Improvement Plans, 23 Lots

Mr. Radachy said that a change has been made in the posting of stipulations and comments. Only the stipulations which can be enforced by the Subdivision Regulations will be listed as such. Other agencies will be listed as comments in the packet. They will enforce their own rules and sign off when they review the plat. The Planning Commission and County Prosecutor are the final agencies to approve the plat prior to the Commissioners’ final approval.

Mr. Radachy said Orchard Springs is zoned Residential Conservation District (RCD) with 1.7 acres of right-of-way, 7 acres in lots and the rest in open space. The preliminary was approved in December, 2008. It is located at the end of Orchard Road north of Colburn Road, east of Route 44 and west of Timberlane. The open space contains an unnamed tributary to Ellison Creek. The first issue is that the improvement plans and the final plat do not match. The line designates the edge of the subdivision and the edge of the right-of-way. The improvement plans do not show the full intersection bringing part of the road into the unsubdivided area. The right-of-way does not show this. There is also a water line that is not shown on the grading plan.

Concord's requirement of a 30-foot rear line setback cannot be met on subplot 23 with the current road layout.

Mr. Radachy said the developer is proposing an easement to the gas well itself, but there is no easement to the tank or the separator which is also on subplot 13. If they need access to this equipment they are going to need an easement. The separator is on the line between sublots 12 and 13. The well is on the plat with an easement to Victor Drive. Ohio Department of Natural Resources said that when they locate wells, they locate them 100 feet away from existing houses and existing rights-of way. ODNR does not regulate new structures with regards to existing wells. Mr. Radachy stated that he spoke to ODNR in December and they said it was a zoning issue.

Mr. Boyd said that staff was concerned about access to the equipment through an easement.

Mr. Radachy said the well was drilled between September and October of 2008.

FINAL PLAT STIPULATIONS:

1. The improvement plans shall conform to the final plat. The improvement plans show road improvements and waterline improvements in the area marked as future phase. These improvements shall be in the right-of-way or removed from the phase. If the right-of-way is extended into the future phase to include the improvements, it shall be considered a stub street. *Article III Section 4 (A)*
2. The Storm Sewer Easement between sublots nine and ten shall be a drainage easement to Concord Township. Language shall be on the cover sheet. *Article III Section 6(D) (1)(e) & D(3)(k)*
 - a. The plat references 'drainage easements' & 'storm water easements' which are not labeled on plat. Easements labeled 'storm sewer easement' should be granted to Concord Township. Easement labeled 'storm drainage easements' should be granted to the HOA. *L. C. Engineer*
3. The Storm Drainage Easement in the open space shall be a local service drainage easement. Easement language shall be included on the final plat. *Article III Section 6 D(1)(h) and D(3)(i)*
 - a. The plat references 'drainage easements' & 'storm water easements' which are not labeled on plat. Easements labeled 'storm sewer easement' should be granted to Concord Township. Easement labeled 'storm drainage easements' should be granted to the HOA. *L. C. Engineer*
4. In order for the waterline easement to be dedicated between the subdivision border and Colburn Road, the Harmons and Scotts need to sign the plat or dedicate an easement by deed and legal description. If dedicated by deed and legal description, the record number shall be included on the plat. *Lake County Planning Commission*
5. Give Open Space "A" a title and acreage on page 3 of the plat. *Article III Section 6 D(3)(f)*
 - a. Please note the open space areas on page 3 of the plat. *Concord Twp.*
6. All sublots shall conform to zoning resolutions of the applicable township. *Article III Section 6(D)(3)(f)*
 - a. Sublot 23 has been added to Phase I but does not include Victor Drive being improved or dedicated in front of this lot until Phase II. Since the required yards are based upon the right-of-way on which the lot fronts and where the house faces, the Township recommends extending the Victor Drive right-of-way in front of s/l 23 during the first phase and creating a temporary cul-de-sac. (The house on subplot 23 must face Victor Drive in order to comply with the rear yard setback requirements in Section 16.25D.) *Concord Twp.*
 - b. The applicant shall provide a copy of the final form of covenants, deed restrictions, and /or by-laws associated with the development for review by the Township's Legal

Advisor, in accordance with Section 16.29C of the Concord Township Zoning Resolution. *Concord Twp.*

7. Ownership of adjacent lots of record shall be shown with record number. *Article III Section 6(D)(3)(m)*
8. Accurate outlines of any areas are to be dedicated or temporarily reserved for public use with the purpose indicated thereon. There is language for a storm water easement, temporary cul-de-sac and landscape easements on the cover sheet, but none are shown on the plat and there is a sidewalk easement depicted on the plat without any language stating who will own the easement and who will maintain the sidewalks on the cover sheet. *Article III Section 6(D)(3)(h)*
 - a. Language for landscape easements is referenced on the cover sheet, however they are not designated on the plat or improvement plans. Are these for the cul-de-sac islands? Clarify location of such easements on the plat/improvement plans. *Concord Twp.*
 - b. The fourth paragraph of the acceptance and dedication language grants a "60' radius temporary cul-de-sac easement..." at an unspecified location. The plat graphic does not show a temporary cul-de-sac. I'll assume this to be a remnant from a cut & paste. *C. E. I.*
 - c. Who will maintain the sidewalk easement? The Township does not want responsibility. *Concord Twp.*
9. Whenever any stream or important surface drainage course is located within the area being subdivided, the subdivider shall provide a permanent easement dedicated to the proper authority for the purpose of widening, deepening, relocating, improving or protecting the stream for drainage or public use. The unnamed tributary to Ellison Creek flowing northwest in the Open Space "A" from parcel number 8A-12G-5 to Cambden Creek Estates Phase 1 shall have an Storm Water Easement dedicated to the Commissioners administered by the Lake County Stormwater Management Department. This easement area will be based on the Riparian Setback shown on the improvement plans as determined by the Lake County Subdivision Regulations. There shall be an access easement provided for this Storm Water Easement. *Article IV Section 3(C)*
10. Names of new streets shall not duplicate the names of existing streets of record in Lake County. New streets which are extensions of or in alignment with existing streets shall bear the name of the existing streets. *Article IV Section 2(H)*
11. The Gas Well Access easement shall cover the separator and tanks which are also located on subplot 13. *Lake County Planning Commission*
 - a. Who will be granted the Gas Well Access Easement? *L. C. Engineer*
 - b. The gas well access easement on subplot 13 does not extend to the tanks or separator as currently depicted on the improvement plans. Will the tanks and separator be moved? If so, provide new location. Otherwise, how will the tanks be accessed if they are to remain in their present location? The maintenance and access of such easement area shall be specified on the Acceptance and Dedication page of the plat. *Concord Twp.*
12. Driveway access for subplot 22 shall be limited to Orchard Road until Victor Drive is improved and dedicated. *Lake County Planning Commission and Concord Twp.*

FINAL PLAT COMMENTS:

1. There have been changes to the sublots between preliminary plan and the final plat.
 - a. Preliminary Plan: A map of a proposed subdivision prepared by a registered surveyor, engineer or architect submitted to the Planning Commission for its review and comment in accordance with these regulations, which may include other explanatory exhibits and text. Said preliminary plan, if accepted by the Planning Commission,

shall provide the basis for proceeding with the preparation of the final plat of the proposed subdivision. *Article II*
 - b. The preliminary improvement plans shall be based on the preliminary plan. *Article III Section 4(A)*

- c. The preliminary plan must first be approved by the Planning Commission. *Article III Section 6(A)(1)*

OTHER COMMENTS:

1. Need copy of easement for sanitary sewer in Cambden Creek to verify proper location. *L. C. Utilities*
2. The utility easement grant lists among the Grantees "...and any other communication entities franchised to serve the community...". As it stands this is unacceptable. *C. E. I.*
3. Show extended riparian boundary on plat and include grantee. *L. C. Engineer*
4. Extend Riparian Easement to wetland boundary. *L. C. Engineer*

IMPROVEMENT PLANS STIPULATIONS:

1. Until plans for the subdivision are approved, properly endorsed and recorded, no improvements such as sidewalks, water supply, storm sewers, sanitary sewerage facilities, gas service, electric service or lighting, grading, paving or surfacing of streets shall hereafter be made by the owner or owners or his or their agent, or by any public service corporation at the request of such owner or owners or his or their agent. *Article I Section 4(B)*
2. A Storm Water Pollution Prevention Plan must be prepared for erosion and sediment control. Effective March 1, 2000, an approved Erosion and Sediment Control (ESC) Plan shall be submitted after the approval of the Preliminary Plans and obtained prior to the approval of the Improvement Drawings by the Lake County Planning Commission (Section 5 of the Lake County Erosion and Sediment Control Rules, adopted 12/21/99). ESC Plan approvals shall be obtained through the Lake County Soil and Water Conservation District. *Article IV Section 3(E), Article IV Section 3(F), Article V Section 4(A), Article V Section 4(B), Article V Section 4(C)*
 - a. Ohio EPA NPDES permit for general storm water management and erosion & sediment control shall be obtained prior to the start of construction and copied to the District. *LCSWCD*
3. Any subdivision with a preliminary plan filed after 1/27/04 will be required to provide a three year maintenance bond or surety when the subdivision goes into the maintenance phase. *Article V Section 8(D)*
4. The improvement plans shall conform to the final plat. The improvement plans show road improvements and waterline improvements in the area marked as future phase. These improvements shall be in the right-of-way or removed from the phase. If the right-of-way is extended into the future phase to include the improvements, it shall be considered a stub street. *Article III Section 4 (A)*
5. Hydrants shall also be required at the entrance and end of all cul-de-sacs four hundred (400) feet in length or longer. Move the fire hydrant from the southeast corner of the intersection of Victor Dr. and Orchard Road to the southwest corner of these two roads. *Article V Section 11*
6. Sidewalk cross section shall be provided. *Article III Section 4(D)(1)(p)*
7. There shall be a turnaround provided at the closed end of the road having an outside pavement diameter of at least one hundred (100) feet and a street property line of at least one hundred ten (110) feet; cul-de-sacs shall make provision for fire truck and snow plow truck turning, and school bus turning if necessary, and may be larger, up to one hundred twenty (120) feet outside pavement diameter, as conditions warrant, upon recommendation of the township trustees. In such case this property line diameter shall be one hundred thirty (130) feet. *Article IV Section 2(A)(9)*

- a. The design of cul-de-sac islands shall comply with Concord Township Resolution 2004-05: Design Standards for Permanent Cul-de-sacs. *Concord Twp.*
8. The unnamed stream flowing north from Colburn Road to the unnamed tributary of Ellison Creek shall show a 25' setback required by the Lake County Subdivision Regulations. *Article IV Section 3(D)*
9. Please provide the District with a copy of the most updated wetland delineation report and map. Additionally, provide any U.S. Army Corps of Engineers or Ohio EPA documents that affirm the completed wetland and stream delineations at the site. *LCSWCD, Article III Section 4(D)(1)(p)*
10. Distinguish the wetlands shown on the Improvement Plan with corresponding acreages per the affirmed wetland delineation map. Also list the type of stream resource (i.e. perennial, intermittent or ephemeral) for each stream located within the project boundaries. *LCSWCD, Article III Section 4(D)(1)(p)*
11. Riparian setbacks shall be shown for all streams located within the project boundaries. Some stream segments within Open Space 'A' are not shown with riparian setbacks. *Article IV Section 3(D)*
12. Wetland areas shown within roadways, utility easements, storm water facilities or outlet structures and proposed sublots are shown as how they will be impacted. Acreage of impact for each wetland is shown, however; the corresponding U.S. Army Corps of Engineers or Ohio EPA permit authority needs to be listed on the plan. *LCSWCD, Article III Section 4(D)(1)(p)*
13. National Pollutant Discharge Elimination System (NPDES) rules require storm water discharges to receive treatment through post-construction water quality best management practices prior to discharge into wetlands and/or streams. The storm sewer system for the Victor Drive cul-de-sac area appears not to contain a post-construction storm water quality practice prior to discharge to the unnamed tributary to Ellison Creek or its adjacent wetlands. A post-construction best management practice should be designed for this area. *LCSWCD, Article III Section 4(D)(1)(p)*

IMPROVEMENT PLANS COMMENTS:

OTHER COMMENTS:

1. Pavement typical section shall be based on ODOT's Location and Design Manual and Pavement Design Manual. *L. C. Engineer*
2. Access to the detention basin and perimeter of basin is required. *L. C. Engineer*
3. Indicate 100 year floodplain on unnamed tributary to Ellison Creek. *L. C. Engineer*
4. Show all locations and quantities of premium fill in zone of influence of pavements. *L. C. Engineer*
5. Pavement typical section shall be based on ODOT's Location and Design Manual and Pavement Design Manual. *L. C. Engineer*
6. A bond for construction estimate line item must be provided to protect the haul road. *L. C. Engineer*
7. Construction sequence shall reference timeline for installing water quality features to basin. *L. C. Engineer*
8. Stormceptor application must be approved by OEPA and relocated within ROW. *L. C. Engineer*
9. Final approval could be forthcoming when detailed construction plans are submitted to

the Lake County Department of Utilities for final review and comment. *L. C. Utilities*

10. Potable water to be furnished by Painesville City per their “Franchise Agreement” with the Board of Lake County Commissioners. *L. C. Utilities*
11. Prior to issuance of a final Certificate of Occupancy the Lake County General Health District shall have granted final approval of a conforming water and sanitary sewerage disposal system. A final Certificate of Occupancy will not be issued by the Lake County Building Department until or unless the Building Official inspects the building or structure and finds no violations of the provisions of the 2006 Residential Code of Ohio for One, Two and Three – Family Dwellings, or other laws that are enforced by the Lake County Building Department. No building or structures shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the Building Official has issued a Certificate of Occupancy. *L. C. Building Department*
12. Existing conditions of Orchard Drive between Girdled Road and project site should be televised prior to construction. Damages occurring during construction of this project should be repaired prior to acceptance of construction. Recommend additional bonding be required to cover cost of potential damages to existing Orchard Drive. *Concord Service Dept.*
13. Recommend that “minimum” pavement thickness be identified and shown on the plans. Hopefully the attached minimum standards will be approved at the next Township Trustee meeting to be held April 1, 2009. *Concord Service Dept.*
14. The position of the existing gas well on subplot 13 is of concern. Are there any requirements for separation between gas wells and new residential structures? *Concord Service Dept.*
15. Recommend that all utilities, manholes, culverts, and catch basins installed under the proposed roadway or within a 1 to 1 zone of influence line of the road be backfilled with LSM concrete backfill to prevent trench settlement damage to final pavement surface. *Concord Service Dept.*
16. Recommend that all dead or critically damaged trees within right of way or along edges of open spaces be removed by the developer prior to acceptance of the subdivision. *Concord Service Dept.*
17. Recommend that construction of retention basin and related storm drainage features be constructed during the early stages of the subdivision construction. *Concord Service Dept.*
18. Fire flows must meet the ISO minimum requirements for size, type, and spacing for structures built. *Concord Twp. Fire Dept.*
19. Streets and Fire Hydrants must be installed and operational prior to start of construction of any structures. *Concord Twp. Fire Dept.*
20. Spacing of fire hydrants will be determined by the Concord Township Fire Department and based on a case by case review. *Concord Twp. Fire Dept.*
21. Building numbers must be provided and installed prior to occupancy of any structure. *Concord Twp. Fire Dept.*
22. Street name signs and “No Parking on Hydrant Side of Street” signs shall be provided and installed prior to the start of construction of any structure. *Concord Twp. Fire Dept.*
23. Street name signs and mailbox house numbers must be double sided. *Concord Twp. Fire Dept.*
24. A hydrant shall be placed at the entrance of the cul-de-sac (Permanent or Temporary).

Concord Twp. Fire Dept.

25. Hydrant flows must be 750 gallons per minute minimum. *Concord Twp. Fire Dept*
26. Hydrant steamer outlet shall be 5" Stortz fitting on all hydrant installations, and future installations, and future installations. *Concord Twp. Fire Dept*
27. Subdivisions with a total of more than 50 lots are required to have 2 means of access for safety purposes. (50 lots is the total for all phases or potential phases of the project.) *Concord Twp. Fire Dept*
28. Concord Township Fire Department will NOT approve "Stub Streets" of any length. Temporary or permanent cul-de-sacs must be provided with a minimum diameter of 120'. *Concord Twp. Fire Dept*
29. All contractors are to be instructed NOT to park on the hydrant side of the street during any construction. *Concord Twp. Fire Dept.*
30. All contractors are to be instructed NOT to park on the hydrant side of street or in cul-de-sacs during any construction. *Concord Twp. Fire Dept.*

STAFF RECOMMENDATION

Recommend approval with 12 stipulations and one comment on the final plat and 13 stipulations and comments on the improvement plans.

Mr. Radachy said the Stormwater Department would like an access easement along the stream and an access easement through the subdivision to the stream so they can maintain the stream if necessary. This stream is considered a regional stream, taking water from one point in the township to another. The improvement plans do not show the 25-foot riparian setback per our Subdivision Regulations. Even though it does not really affect homes, it needs to be shown on the improvement plans.

Mr. Adams moved and Mr. Morse seconded the motion to approve Orchard Springs Subdivision Phase 1, final plat and improvement plans with 23 lots in Concord Township.

All voted "Aye".

Subdivision Activity Report

Mr. Radachy discussed the new policy of having the responding agencies state if the subdivision meets their regulations and, if not, state their deficiency and then state their concerns.

Mr. Boyd said that agencies were marking "disapprove" on the old comment sheets even though they met our subdivision regulations. We were giving conceptual authority to agencies that did not have that authority over the subdivision regulations. All comments and stipulations are still there, however, we took off their capacity to approve or disapprove. It is this board's job to approve or disapprove.

Members preferred the master summary sheet showing which agencies responded.

Mr. Radachy said Quail Hollow 10 and 11 received extensions in 2007 and 2008. So their expirations have expired and they need to resubmit their preliminary plans if they wish to continue. A letter was sent to the developer in February indicating the pending expiration.

Mr. Condon suggested that staff send out warning letters prior to expiration.

LAND USE AND ZONING REVIEW

There were no Land Use and Zoning cases submitted.

REPORTS OF SPECIAL COMMITTEES

There were no reports of special committees.

CORRESPONDENCE

There was no correspondence.

OLD BUSINESS

Subdivision Regulations Update

Mr. Boyd requested a motion to adopt changes to Articles III, IV and V of the Subdivision Regulations. The Commissioners held a Public Hearing on March 26th and voted to approve the Regulations.

Mr. Schaedlich moved and Mr. Adams seconded the motion to adopt Articles III, IV and V of the Subdivision Regulations.

All voted “Aye”.

Land Use and Zoning Committee - Appointment for Leroy Township

Mr. Boyd said Mr. Jeff Kenyon of Leroy was appointed as a new member of the Land Use and Zoning Committee.

NEW BUSINESS

There was no new business.

PUBLIC COMMENT

There was no comment from the public.

ADJOURNMENT

Mr. Schaedlich moved and Mr. Adams seconded the motion to adjourn.

All voted “Aye”.

The meeting adjourned at 7:37 p.m.

Walter R. Siegel, Chairman

Jason W. Boyd, Director/Secretary